

(1) Be responsible for overall policy, guidance, and control of the DoDPSP.

(2) Develop and implement plans, policies, and procedures for the DoDPSP.

(3) Issue and maintain DoD 5200.2-R consistent with DoD 5025.1-M.

(4) Conduct an active oversight program to ensure compliance with DoDPSP requirements.

(5) Ensure that research is conducted to assess and improve the effectiveness of the DoDPSP (DoD Directive 5210.79⁵).

(6) Ensure that the Defense Investigative Service is operated pursuant to 32 CFR part 361.

(7) Ensure that the DoD Security Institute provides the education, training, and awareness support to the DoDPSP under DoD Directive 5200.32.⁶

(8) Be authorized to make exceptions to the requirements of this part on a case-by-case basis when it is determined that doing so furthers the mission of the Department of Defense and is consistent with the protection of classified information from unauthorized disclosure.

(b) The *General Counsel of the Department of Defense* shall:

(1) Be responsible for providing advice and guidance as to the legal sufficiency of procedures and standards implementing the DoDPSP and the DISP.

(2) Exercise oversight of PSP appeals procedures to verify that the rights of individuals are being protected consistent with the constitution, laws of the United States, Executive Orders, Directives, or Regulations that implement the DoDPSP and DISP, and with the interests of national security.

(c) The *Heads of the DoD Components* shall:

(1) Designate a senior official who shall be responsible for implementing the DoDPSP within their components.

(2) Ensure that the DoDPSP is properly administered under this Directive within their components.

(3) Ensure that information and recommendations are provided to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence on any aspect of the program.

⁵See footnote 1 to 156.1(b).

⁶See footnote 1 to 156.1(b).

PART 158—GUIDELINES FOR SYSTEMATIC DECLASSIFICATION REVIEW OF CLASSIFIED INFORMATION IN PERMANENTLY VALUABLE DoD RECORDS

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AUTHORITY: E.O. 12356, 10 U.S.C.

SOURCE: 48 FR 29840, June 29, 1983, unless otherwise noted.

§ 158.1 Reissuance and purpose.

This part is reissued; establishes procedures and assigns responsibilities for the systematic declassification review of information classified under E.O. 12356 and Information Security Oversight Office Directive No. 1, DoD Directive 5200.1 and DoD 5200.1-R, and prior orders, directives, and regulations governing security classification; and implements section 3.3 of E.O. 12356.

§ 158.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSD) and to activities assigned to the OSD for administrative support, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as “DoD Components”).

(b) This part applies to the systematic review of permanently valuable classified information, developed by or for the Department of Defense and its

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Components, or its predecessor components and activities, that is under the exclusive or final original classification jurisdiction of the Department of Defense.

(c) Its provisions do not cover Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954 or information in nonpermanent records.

(d) Systematic declassification review of records pertaining to intelligence activities (including special activities) or intelligence sources or methods shall be in accordance with special procedures issued by the Director of Central Intelligence.

§ 158.3 Definitions.

(a) *Cryptologic information.* Information pertaining to or resulting from the activities and operations involved in the production of signals intelligence (SIGINT) or to the maintenance of communications security (COMSEC).

(b) *Foreign government information.* Information that is provided to the United States by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, the source of the information, or both are to be held in confidence; or produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, an international organization of governments, or any element thereof requiring that the information, the arrangement, or both are to be held in confidence.

(c) *Intelligence method.* Any process, mode of analysis, means of gathering data, or processing system or equipment used to produce intelligence.

(d) *Intelligence source.* A person or technical means that provides intelligence.

§ 158.4 Policy.

It is the policy of the Department of Defense to assure that information that warrants protection against unauthorized disclosure is properly classified and safeguarded as well as to facilitate the flow of unclassified information about DoD operations to the public.

§ 158.5 Procedures.

(a) DoD classified information that is permanently valuable, as defined by 44 U.S.C. 2103, that has been accessioned into the National Archives of the United States, will be reviewed systematically for declassification by the Archivist of the United States, with the assistance of the DoD personnel designated for that purpose, as it becomes 30 years old; however, file series concerning intelligence activities (including special activities) created after 1945, intelligence sources or methods created after 1945, and cryptology records created after 1945 will be reviewed as they become 50 years old.

(b) All other DoD classified information and foreign government information that is permanently valuable and in the possession or control of DoD Components, including that held in Federal records centers or other storage areas, may be reviewed systematically for declassification by the DoD Component exercising control of such information.

(c) DoD classified information and foreign government information in the possession or control of DoD Components shall be declassified when they become 30 years old, or 50 years old in the case of DoD intelligence activities (including special activities) created after 1945, intelligence sources or methods created after 1945, or cryptology created after 1945, if they are not within one of the categories specified in §§ 158.7 through 158.10 or in 48 FR 4403, January 31, 1983.

(d) Systematic review for declassification shall be in accordance with procedures contained in DoD 5200 1-R. Information that falls within any of the categories in §§ 158.7 through 158.10 and in 44 FR 4403 shall be declassified if the designated DoD reviewer determines, in light of the declassification considerations contained in § 158.11 that classification no longer is required. In the absence of such a declassification determination, the classification of the information shall continue as long as required by national security considerations.

(e) Before any declassification or downgrading action, DoD information under review should be coordinated